

ECF USER MANUAL REFERENCE GUIDE

(For May, 2004 manuals)

As a result of changes in Judicial Conference Policy regarding electronic access to civil and criminal case file information, and amendments to the E-Government Act of 2002, the ECF User Manual has been amended. The following guide sets forth the specific page number, title, and amendment. The pertinent language has been highlighted.

This reference guide is intended to be used in conjunction with the May, 2004 ECF User manual. The Amended ECF User Manual of January, 2005 is available in its entirety on the courts' web sites.

Page No.	Title	Amendment
Page 6	Sealed Documents	<p>To ensure proper storage of a document, a document subject to a sealing order must be filed with the court on paper in a sealed envelope marked "sealed", citing thereon the style of the case and case number; or by attaching thereto a paper copy of the court's order sealing the document or a copy of the NEF citing the entry of the court's order sealing the document. The clerk may require the document to be accompanied by a disk or CD-ROM containing the document in .pdf format.</p> <p>Only a civil motion to file a document under seal may be filed electronically, unless prohibited by law. A criminal motion to seal matters containing personal security concerns as listed in the courts' Joint Notice of Electronic Availability of Criminal Case File Information; the document subject to the motion and any response or reply thereto, must be filed on paper. The order of the court authorizing the filing of documents under seal may be filed electronically, unless prohibited by law or otherwise directed by the Court.</p>
Page 7	Special Filing Requirements and Exceptions	<p>WARRANTS OF ANY KIND (e.g., arrest, seizure, etc.) CRIMINAL SUMMONS PEN REGISTERS (wire tap orders) CRIMINAL SUBPOENAS (issued or returned - executed or unexecuted) CRIMINAL MOTIONS TO SEAL¹; THE DOCUMENT SUBJECT TO THE MOTION; and ANY RESPONSE OR REPLY THERETO.</p>
Page 10	Electronic Filing and Service of Documents	<p>Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight, EASTERN TIME, in order to be considered timely filed that day. However, if time of day is of the essence, the assigned Judge may order a document filed by a certain time.</p>

¹Reference the Eastern and Western Districts Notice of Electronic Availability of Criminal Case File Information dated October 27, 2004, in re: matters containing personal security concerns.

Page 16	Fees Payable to Clerk	Any fee required for filing a pleading or paper in District Court is payable directly to the clerk by check, cash or money order (or credit card in Western District). Payment to the clerk shall be accompanied by a copy of the NEF indicating the electronic filing of the document subject to the fee with three (3) business days. The Clerk's office will document the receipt of fees on the docket. The court will not maintain electronic billing or debit accounts for litigants.
Pages 37	Public Access	A person may receive information from the Electronic Filing System at the court's Internet site by obtaining a PACER login and password.² A person who has PACER access may retrieve docket sheets and documents (unless otherwise sealed or restricted) in criminal and civil cases, except for social security cases, in which only a Filing User who is counsel in the case may retrieve documents electronically. Documents in social security cases are not available for public view over the Internet in accordance with policy.
Pages 38	Sensitive Information	Since the public may access certain case information over the Internet through the court's Electronic Filing System, sensitive information should not be included in any document filed with the court unless such inclusion is necessary and relevant to the case. In accordance with the Eastern and Western Districts of Kentucky Amended Notice of Electronic Availability of Civil Case File Information, and the Notice of Electronic Availability of Criminal Case File Information dated October 27, 2004³. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed on paper or electronically.⁴ <ol style="list-style-type: none"> 1. Social Security Number (Only last four digits should be used.) 2. Names of Minor Children (Only initials of that child should be used.) 3. Dates of Birth (Only the year should be used.) 4. Financial Account Number (Only last four digits of the number should be used.) 5. Home addresses (criminal only.)

²Pursuant to the Judicial Conference Electronic Public Access Fee Schedule, non-judiciary CM/ECF users will be charged a fee of **eight** cents per page obtained remotely through the PACER system, with a total for any document, docket sheet, or case-specific report not to exceed the fee for 30 pages. (Effective January 1, 2005)

The access fee does not apply to official recipients of electronic documents, *i.e.*, parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged **eight** cents per page.

³Joint Amended Notice of Electronic Availability of Civil Case File Information and the Notice of Electronic Availability of Criminal Case File Information dated October 27, 2004, can be accessed through the courts' web sites at www.kywd.uscourts.gov, www.kyed.uscourts.gov, or can be obtained from any division of the court.

⁴Pursuant to the privacy policy of the Judicial Conference of the United States, documents in Social Security cases shall have restricted status, meaning that remote public access to documents in these cases will be limited to a Filing User who is counsel of record. They will be available for viewing at the Clerk's Office.

Page 38 & 39	Sensitive Information	<p>In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file:</p> <ol style="list-style-type: none"> 1. An unredacted document under seal. This document shall be retained by the court as part of the record. A redacted copy for the public record must be filed along with the unredacted document under seal. <p>OR</p> <ol style="list-style-type: none"> 2. A reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.
Page 39	Sensitive Information	<p>CIVIL. The court recognizes that parties may need to include in the record a document containing information such as driver's license numbers, medical records, employment history, individual's financial information and proprietary or trade secret information.</p> <p>CRIMINAL. The court recognizes that parties may need to include in the record a document containing information implicating not only privacy but also personal security concerns, such as a driver's license number; medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. § 114(s). When filing a document that contains any such information, counsel may want to consider accompanying the filing with a motion to seal. Until the court has ruled on any motion to seal, no document that is the subject of a motion to seal, nor the motion itself or any response or reply thereto, will be available electronically or in paper form.</p>
Page 39	Sensitive Information	<p>To avoid unnecessary disclosure of private, personal or financial information, a party may:</p> <ul style="list-style-type: none"> ◆ File a Motion to Seal ◆ File a Motion to Restrict the Case ◆ File a Notice of Filing Restricted Exhibits ◆ File an unredacted copy of the document under seal. A redacted copy for the public record must be filed along with the unredacted document under seal. ◆ File a reference list under seal.
Page 39 (Section added)	Motions to Seal	<p>Only a civil motion to file a document under seal may be filed electronically, unless prohibited by law. A criminal motion to seal matters containing personal security concerns as listed in the courts' Joint Notice of Electronic Availability of Criminal Case File Information; the document subject to the motion and any response or reply thereto, must be filed on paper. The order of the court authorizing the filing of documents under seal may be filed electronically, unless prohibited by law or otherwise directed by the Court.</p> <p>The motion must state the reason and show good cause for sealing the document or case. If the motion to seal is granted, the document or case under seal will not be available electronically or through any other means.</p>